

## REMARKS

In view of the above amendments and the following remarks, reconsideration and further examination are requested.

By this amendment, claims 12, 26, 27, and 8 have been canceled, claims 1-5, 8-11, 13-19, 22-25, 29, and 32 have been amended, and new claims 35-38 have been added. While new claims 35-38 are similar in scope to claims 27, 28, 33, and 34, respectively, which were inadvertently non-elected, it is submitted that the new claims 35-38 are directed to the elected species I.

Claims 1-11, 13-25, and 29-32 were rejected under 35 USC 102(b) as being anticipated by Yamamoto. This rejection is traversed and is inapplicable to claims 1-11, 13-25, and 29-32 as amended and new claims 35-38 for the following reasons.

### Changing the Gain Balance

Each of independent claims 1, 13, 15, 29, 32, and 35 recites a light detection device, including a first detection portion and a second detection portion, operable to receive and detect the optical beam reflected by the optical disc on each detection portion in a tracking direction, and output a first detection signal corresponding to a detected result from either one of the detection portions and a second detection signal corresponding to a detected result from the other detection portions. Each of independent claims 1, 13, 15, 29, and 35 also recites an amplifying unit operable to **change** a gain balance by amplifying the first and the second detection signals using **independent gains** respectively (and claim 32 recites a gain balance changing step of changing the gain balance by amplifying the first and the second detection signals using independent gains respectively).

The Examiner asserts that the amplifiers 113a and 113b of Yamamoto correspond to the claims amplifying unit (or step) operable to change a gain balance by amplifying the first and the second detection signals using independent gains respectively. However, the amplifiers of Yamamoto do not change the gain balance, but rather maintain the gain balance. The amplifiers 113a-113d of Yamamoto (see Fig. 1) are simply amplifiers amplifying the signals from the four light receiving areas. There is absolutely no

disclosure or suggestion in Yamamoto of changing the balance of the gain between any two of the light receiving areas (or among any of the light receiving areas). Accordingly, claims 1-11, 13-25, 29-32, and 35-38 are not anticipated by Yamamoto.

Specified Gain Balance That Equalizes the Detection Sensitivities

Independent claims 1 and 15 additionally recite a gain balance adjustment unit operable to obtain the addition signal outputted from the addition unit, specify a gain balance that equalizes detection sensitivities of the respective detection portions in the light detection device based on the obtained result, and control the amplifying unit so as to have the amplifying unit amplify the first and the second detection signals using the specified gain balance. Likewise, independent method claim 32 recites a gain balance adjustment step of specifying the gain balance that equalizes the detection sensitivities of the respective detection portions in the light detection device based on the addition signal outputted in the addition signal outputting step, and amplifying the first and the second detection signals using the specified gain balance.

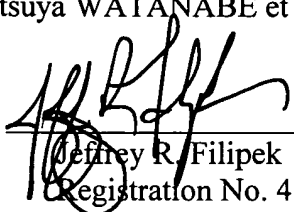
The Examiner points to column 3, line 60 to column 4, line 10 of Yamamoto as disclosing the gain balance adjustment unit and step of claims 1, 15, and 32. However, this discussion in Yamamoto simply discloses that an external disturbance signal and a response signal causes the determination of the amount of amplification by variable amplifier 124, which ultimately controls the lens 105. There is no disclosure in Yamamoto of specifying a gain balance that equalizes detection sensitivities of the respective detection portions in the light detection device or of controlling any amplifying unit so as to have the amplifying unit amplify the first and the second detection signals using the specified gain balance. For this additional reason, claims 1-11, 15-25, 32, 37, and 38 are not anticipated by Yamamoto.

In view of the above amendments and remarks, it is submitted that the present application is in condition for allowance. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

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